

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GEM YIELD BAHAMAS LIMITED and GEM
GLOBAL YIELD LLC SCS,

Petitioners,

vs.

MULLEN TECHNOLOGIES, INC. and
MULLEN AUTOMOTIVE, INC.,

Respondents.

Case No. 1:24-cv-01120-KPF

Related Case No. 1:23-cv-11268-KPF

Hon. Katherine Polk Failla

NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Respondents’ Motion for Summary Judgment, the Joint Rule 56.1 Statement of Undisputed Material Facts and Joint Appendix of Exhibits filed simultaneously herewith, and all papers and proceedings had herein, Respondents Mullen Technologies, Inc. and Mullen Automotive, Inc., respectfully move this Court, pursuant to the Court’s May 31, 2024, Order (ECF No. 83), Rule 56 of the Federal Rules of Civil Procedure, the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 9 U.S.C. § 201 *et seq.*, and the Federal Arbitration Act, 9 U.S.C. § 10 *et seq.*, for an Order (i) granting Respondents’ Motion for Summary Judgment to vacate both the Partial Final Award on Liability and the Final Award (together, the “Awards”) entered by Arbitrator Mark C. Morril in an arbitration proceeding between Petitioners and Respondents, entitled *GEM Yield Bahamas Limited and GEM Global Yield LLC SCS v. Mullen Technologies, Inc. and Mullen Automotive, Inc.*, AAA Case No. 01-21-0016-7001; (ii) denying

Petitioners' anticipated motion to confirm the Awards; and (iii) granting such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 10, 2024

Respectfully Submitted,

MCDERMOTT WILL & EMERY LLP

By: /s/ David K. Momborquette

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*Attorneys for Respondents Mullen Technologies, Inc.
and Mullen Automotive, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that, on July 10, 2024, I caused the foregoing Notice of Motion for Summary Judgment to be served on the following counsel for Petitioners via email. The following counsel have confirmed that they represent Petitioners in this action and provided written consent to electronic service via email.

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